

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DEFINITION SERVICES INC., a British)
Virgin Islands corporation,)
Plaintiff,)
v.) C.A. No. 1:21-cv-00741-RTD
GVA CAPITAL LTD., a Cayman Islands)
exempted company,)
Defendant.)

**DECLARATION OF LEONARD GRAYVER IN SUPPORT OF GVA CAPITAL LTD.'S
MOTION FOR LEAVE TO TAKE EARLY DISCOVERY**

I, Leonard Grayver, hereby declare as follows:

1. I am director of Defendant GVA Capital Ltd. (“GVA”). I make this declaration in support of GVA’s motion for leave to take early third-party discovery of non-party Pavel Cherkashin pursuant to Federal Rule of Civil Procedure 26(d)(1). Except where otherwise stated, I have personal knowledge of the facts stated in the declaration and would testify competently as to those facts if called to do so.

2. Pavel Cherkashin, a Russian national, is a former director of GVA. He served in that role from July 28, 2016 to April 13, 2021.

3. During his tenure as a GVA director, Mr. Cherkashin had various responsibilities, including identifying potential investment opportunities and securing financing for those investments. As relevant to this litigation, Mr. Cherkashin was involved in structuring and overseeing the investment in Luminar Technologies Inc. that was managed by GVA.

4. Mr. Cherkashin was also responsible for creating GVA's email accounts and Google Drive document storage system. I understand that Mr. Cherkashin created those accounts within (or set those accounts up to automatically forward to) a Google G-Suite account for a

company he alone controlled, Vestor.In Partners Ltd. (“Vestor.In”). As a result, emails sent from or to what appeared to be GVA addresses were in fact forwarded to (or sent from or to) email accounts within the Vestor.In G-Suite account. By Mr. Cherkashin’s design, he had ultimate control over those accounts, even though they contained (and still contain) GVA’s emails and documents.

5. Mr. Cherkashin was terminated as a director during a properly constituted meeting of GVA’s shareholders on April 13, 2021.

6. After his termination as a GVA director, Mr. Cherkashin changed the passwords to email and Google Drive accounts used by other GVA personnel, effectively locking GVA out of its email and document storage systems. Despite GVA’s requests that Mr. Cherkashin restore control of these accounts and return GVA’s emails to GVA, he has refused to do so.

7. I understand that Mr. Cherkashin has claimed that GVA sought to terminate him because he “refused to accept” that GVA and Definition had entered into the Profit and Loss Agreement (or “PLA”). In fact, GVA terminated Mr. Cherkashin because, among other reasons, it had come to learn that USCIS was considering revoking Mr. Cherkashin’s work visa because he had made false statements to the United States Department of Homeland Security.

8. On or about, February 23, 2021, USCIS sent Mr. Cherkashin a “Notice of Intent to Revoke” (or “NOIR”) its prior approval of his I-140 petition. I understand, from the NOIR, that Mr. Cherkashin’s USCIS “file number” is LIN1618250744. Based on publicly available documents on USCIS’s website, I further understand that, on or about October 25, 2021, USCIS revoked its prior approval of Mr. Cherkashin’s Form I-140.

I certify under penalty of perjury under the laws of United States that the foregoing is true and correct, and that this declaration was executed at Hermosa Beach, California.

Dated: November 10, 2021

/s/ Leonard Grayver
Leonard Grayver